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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,091	03/06/2002	Jerome Swartz	021XG	1517

7590 01/02/2003

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489 Fifth Avenue
New York, NY 10017-6105

EXAMINER

TAYLOR, LARRY D

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,091

Applicant(s)

SWARTZ, JEROME

Examiner

Larry D Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Receipt of Amendment

1. Receipt is acknowledged of the amendment filed 15 October 2002.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 30-32 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humble et al. (US 4,676,343, of record), in view of Sherman et al. (US 5,347,115, of record).

Humble teaches a point-of-sale system for processing products, the method comprising: presenting a product to a customer information station 20; scanning the product's bar code with reader 10, the UPC code relaying information on the product; interrogating a host processing computer for the scanned information and identifying the information; printing out sales receipt paper for information relating to the product obtained from the host; and presenting the receipt of product to a customer check out site 21 to complete a purchase (see figures 1 and 2, col. 3, line 39 – col. 4, line 52). The scanning process involves a laser scanner 10, which would direct light scan the indicia and processing of electrical signals indicative of varying light reflectivities, the white and black bars of the UPC bar code inherently giving off those varying reflectivities. The printer 16 is mounted with the reader on the station 20.

Humble fails to teach the reader as a hand-held device, the reader interconnected with the host computer along a wireless link, and the receipt paper as a label printed by a portable printer to be adhered to the product for presentation at the time of purchase.

Sherman teaches a data collection system for use within a retail store, whereas a customer carries data collection apparatus 10 comprising a terminal 70 with hand-held scanner 77 and printer module 16 (see figures 1 and 2). The customer would scan a product with scanner 77, obtain wireless communications with a host, and the printer may print out information relating to the products scanned (figure 10 and col. 11, line 52 – col. 12, line 6). The collection apparatus is a portable entity. The information printed out relating to the product scanned may be in the form of a label to be attached to the product (col. 10, lines 22-28).

It would have obvious to one of ordinary skill in the art to have the reader and printer as a portable device. It is well known in the art to provide hand-held scanner to a customer, as the customer would be able to obtain product information on site, per say at the exact location of the product, instead of having to take the product to a customer service station to be scanned. The printing of the data received of the product allows the customer a hard copy reminder of the data, also adding to the customer shopping convenience. The portable scanner/printer entity would obviously have to communicate wirelessly with a host to accommodate such a feature.

Regarding claim 30, it would have been obvious to one of ordinary skill in the art to have a label adhered to the product instead of a sales receipt to be presented at the time of product purchase, as a label firmly attached to the product prevents the communicated price information from being misplaced or distorted by deformation, as a paper receipt may incur upon transportation from the customer to a purchasing station. Having the label attached directly to

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the product allows for assured price to product correlation, as verbally communicating a product name and price to the purchasing station could result in erroneous transactions.

4. Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humble et al. as modified by Sherman et al., in view of Krichever et al. (US 5,151,581, of record).

The teachings of Humble as modified by Sherman have been discussed above. However, the teachings fail to teach the reader as on a stand-alone, desktop workstation, the reader as movable and positionable relative to the workstation, and the reader connected to a bendable arm.

Krichever teaches a point-of-sale system, whereas a stand-alone desktop workstation 100 contains a reader 102 supported by a bendable arm 108. The operator of the reader is able to bend the arm, so as to move the reader into any desired position for scanning. It would have been obvious to one of ordinary skill in the art to provide this concept of scanning, as it adds ultimate user convenience, as the operator is able to position the reader in any direction for the scanning of large, small, or awkwardly shape indicia bearing objects. The stand-alone feature allows the workstation to be positioned anywhere within a facility, and not permanently attached to a wall fixture, providing a desired degree of portability. Adding this to the realm of retail stores, the portability of the workstation accommodates for a large number of customers suddenly appearing in the existing checkout lines.

Response to Arguments

5. Applicant's arguments with respect to claim 30 has been considered but are moot in view of the new ground(s) of rejection.

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The Examiner presents the teachings of Humble and Sherman in combination as a ground of rejection to the limitations of claim 30. In specific, Humble teaches the defined method of processing products in a point-of-sale system, scanning a product, printing paper containing price information on the product, and presenting both product and paper at the time of purchase. Sherman, however, teaches that it is well known in the art to instead print an adhesive label to communicate the price information on the product at the time of purchase. The remaining claims fall in dependence to claim 30; the rejection of said claims are maintained inclusively with the combinations of Humble and Sherman.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

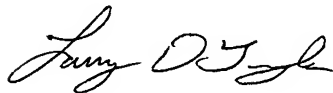
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry D Taylor whose telephone number is (703) 306-5867. The examiner can normally be reached on M-F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (703)-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-746-4784 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Larry D Taylor
December 30, 2002



KARL D. FRECH
PRIMARY EXAMINER